



State of Wisconsin

LEGISLATIVE REFERENCE BUREAU

Appendix A

LRB BILL HISTORY RESEARCH APPENDIX

 The drafting file for 2011 LRBa2015/P1 (For: Rep. Tiffany)


has been copied/added to the drafting file for

2011 LRBa2023 (For: Rep. Tiffany)



RESEARCH APPENDIX -
PLEASE KEEP WITH THE DRAFTING FILE

Date Transfer Requested: 12/12/2011 (Per: RCT)

 The attached draft was incorporated into the new draft listed above. For research purposes the attached materials were added, as a appendix, to the new drafting file. If introduced this section will be scanned and added, as a separate appendix, to the electronic drafting file folder.

2011 Se1 DRAFTING REQUEST**Assembly Amendment (AA-AB24)**

Received: 12/02/2011

Received By: btradewe

Wanted: Soon

Companion to LRB:

For: Thomas Tiffany (608) 266-7694

By/Representing: Jessie Augustyn

May Contact:

Drafter: btradewe

Subject: Environment - air quality

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Tiffany@legis.wi.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Air permitting changes

Instructions:

See attached

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							
/P1	btradewe	kfollett	rschluet	_____	sbasford		
	12/02/2011	12/02/2011	12/02/2011	_____	12/02/2011		

FE Sent For:

<END>

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Companion to LRB:

For: **Thomas Tiffany (608) 266-7694**

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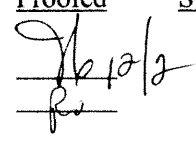
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/?	btradewe	1P/15f 12/2					
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FE Sent For:

<END>

Tradewell, Becky

From: Augustyn, Jessie
Sent: Thursday, December 01, 2011 4:17 PM
To: Tradewell, Becky
Subject: Amendment to SS AB 24

Attachments: Drafting Instructions - Make the following changes to Section 285.doc

Hi Becky,

I was told you're the person drafting amendments on air quality modeling for SS AB 24. I've attached a word doc with instructions. These changes are intended to be in addition to the modeling language already in the bill, not a replacement for what is already there. Please let me know if you have any questions.

We are in a bit of a rush, so if you could have it done by tomorrow, I would really appreciate it. Please let me know if that's not possible. I'm sorry for the late notice.

Thanks very much for your help!

Jessie Augustyn
Legislative Assistant for Rep. Tom Tiffany
Phone: (608) 266-7694



Drafting
Instructions - Make t.

Jessie will have Scott Mouley call me.
Ret

Make the following changes to Section 285.63(1)

- (1) REQUIREMENTS FOR ALL SOURCES. The department may approve the application for a permit required or allowed under s. 285.60 if it finds:
- (a) ~~Source Permit will meet requirements. The stationary source will~~ The permit includes terms and conditions necessary to assure compliance with meet all applicable emission limitations and other requirements promulgated under this chapter, standards of performance for new stationary sources under s. 285.27 (1), and emission standards for hazardous air contaminants under s. 285.27 (2), ~~and compliance with the clean air act, including those necessary to assure the permit~~ (b) Source will not violate or exacerbate violation of air quality standard or ambient air increment. The source will not cause or exacerbate a violation of any ambient air quality standard or ambient air increment under s. 285.21 (1) or (2); and
- (e) ~~(b)~~ Other permits approvable if source is operating under an emission reduction option. If the source is operating or seeks to operate under an emission reduction option, the required permit applications for other sources participating in that emission reduction option are approvable; and
- (d) ~~(c)~~ Source will not preclude construction or operation of other source. The stationary source will not degrade the air quality in an area sufficiently to prevent the construction, reconstruction, replacement, modification or operation of another stationary source if the department received plans, specifications and other information under s. 285.61 (2) (a) for the other stationary source prior to commencing its analysis under s. 285.61 (3) for the former stationary source. This paragraph does not apply to an existing source required to have an operation permit.

Based upon the changes above, the revised section would read as follows:

- (1) REQUIREMENTS FOR ALL SOURCES. The department may approve the application for a permit required or allowed under s. 285.60 if:
- (a) Permit will meet requirements. The permit includes terms and conditions necessary to assure compliance with all applicable emission limitations and other requirements promulgated under this chapter, standards of performance for new stationary sources under s. 285.27 (1), emission standards for hazardous air contaminants under s. 285.27 (2), and compliance with the clean air act, including those necessary to assure the permit will not cause or exacerbate a violation of any ambient air quality standard or ambient air increment under s. 285.21 (1) or (2); and
- (b) Other permits approvable if source is operating under an emission reduction option. If the source is operating or seeks to operate under an emission reduction option, the required permit applications for other sources participating in that emission reduction option are approvable; and
- (c) Source will not preclude construction or operation of other source. The stationary source will not degrade the air quality in an area sufficiently to prevent the construction, reconstruction, replacement, modification or operation of another stationary source if the department received plans, specifications and other information under s. 285.61 (2) (a) for the other stationary source prior to commencing its analysis under s. 285.61 (3) for the former stationary source. This paragraph does not apply to an existing source required to have an operation permit.

In addition, create s. 285.63(11) to read:

-
- (11) *Air dispersion modeling.* The department is not required to use air dispersion modeling when issuing a permit under this chapter. The Department shall not require air dispersion modeling prior to issuance of a permit under this chapter to a minor source of air emissions. The department shall not require air dispersion modeling as a condition to receive a registration permit or general permit under this chapter.

STATE OF WISCONSIN - LEGISLATIVE REFERENCE BUREAU

LRB

Research (608-266-0341)

Library (608-266-7040)

Legal (608-266-3561)

LRB

1/1a 2015

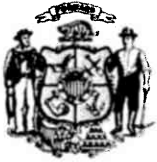
12/2/11 Call From Scott Manley (WMC):

1. The proposed changes to § 285.63(1) are intended to eliminate the requirement for DNR to make a finding - this has caused challenges to issuance of registration permits. He says that other states have used the approach of requiring the permit to include terms and conditions and that this has not caused problems with EPA. (see 42 USC 7475 (a) (3), which we discussed)

Scott agrees that it would be best to modify current § 285.63(1)(c) and (d) to make them more like (a) is changed to be. We also agreed to do this as a 1P effort.

2. He is confident that air dispersion modeling is not required for minor sources, general permits, or registration permits under federal statute or regulations.

RIT



State of Wisconsin
2011 - 2012 LEGISLATURE

September 2011 Special Session



LRBa2015/P1-
RCT:....

Today, if possible

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION
ASSEMBLY AMENDMENT,
TO ASSEMBLY BILL 24

note

1 At the locations indicated, amend the bill as follows:

2 1. Page 2, line 12: after "applications;" insert "issuance of air pollution control
3 permits;"

4 2. Page 28, line 9: after that line insert:

5 "SECTION 83d. 285.63 (1) (intro.) of the statutes is amended to read:

6 285.63 (1) REQUIREMENTS FOR ALL SOURCES. (intro.) The department may
7 approve the application for a permit required or allowed under s. 285.60 if it finds
8 all of the following apply:

History: 1979 c. 34, 221; 1981 c. 314 s. 146; 1985 a. 182 s. 57; 1987 a. 27, 399; 1989 a. 56; 1991 a. 300, 302; 1993 a. 273; 1995 a. 227 s. 488; Stats. 1995 s. 285.63; 2003 a. 118; 2009 a. 185.

SECTION 83h. 285.63 (1) (a) and (b) of the statutes are amended to read:

10 no strike 285.63 (1) (a) ~~Source will meet~~ Permit ensures compliance with requirements.

11 The stationary source will meet The permit includes terms and conditions necessary

Fix component

consolidated, renumbered
285.63 (1) (a) and

1 to ensure compliance with all applicable emission limitations and other
2 requirements promulgated under this chapter, standards of performance for new
3 stationary sources under s. 285.27 (1) and, emission standards for hazardous air
4 contaminants under s. 285.27 (2); ~~(b) Source will not violate or exacerbate violation~~
5 ~~of air quality standard or ambient air increment. The, and the federal clean air act,~~
6 ~~including those necessary to ensure that the source will not cause or exacerbate a~~
7 violation of any ambient air quality standard or ambient air increment under s.
8 285.21 (1) or (2);

History: 1979 c. 34, 221; 1981 c. 314 s. 146; 1985 a. 182 s. 57; 1987 a. 27, 399; 1989 a. 56; 1991 a. 300, 302; 1993 a. 213; 1995 a. 227 s. 488; Stats. 1995 s. 285.63; 2003 a. 118; 2009 a. 185.

9 **SECTION 83p.** 285.63 (1) (d) of the statutes is amended to read:

10 ~~no strike~~ 285.63 (1) (d) *Source will not preclude construction or operation of other source.*
11 ~~The~~ The permit includes terms and conditions necessary to ensure that the
12 stationary source will not degrade the air quality in an area sufficiently to prevent
13 the construction, reconstruction, replacement, modification or operation of another
14 stationary source if the department received plans, specifications and other
15 information under s. 285.61 (2) (a) for the other stationary source prior to
16 commencing its analysis under s. 285.61 (3) for the former stationary source. This
17 paragraph does not apply to an existing source required to have an operation permit.

History: 1979 c. 34, 221; 1981 c. 314 s. 146; 1985 a. 182 s. 57; 1987 a. 27, 399; 1989 a. 56; 1991 a. 300, 302; 1993 a. 213; 1995 a. 227 s. 488; Stats. 1995 s. 285.63; 2003 a. 118; 2009 a. 185.

18 **SECTION 83t.** 285.63 (7) (a) of the statutes is amended to read:

19 285.63 (7) (a) Subject to the conditions and restrictions specified in this
20 subsection, the department shall grant use of the growth accommodation as a means
21 for a stationary source to comply with either sub. (1) ~~(b)~~ (a) or (2) (a), or both subs.
22 (1) ~~(b)~~ (a) and (2) (a).".

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1 **3.** Page 28, line 12: delete that line and substitute “modeling when issuing a
2 permit under this chapter. The department may not require air dispersion modeling
3 before issuing a permit under this chapter for a minor source. The department may
4 not require air dispersion modeling as a condition of coverage under a registration
5 permit or general permit under this chapter.”.

(END)

Note

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa2015/P1dn
RCT...
g f

Date

This is a preliminary draft of the amendment concerning air permitting.

The federal Clean Air Act and EPA's regulations under the act are very complex. The EPA has delegated the responsibility for air permitting under the Clean Air Act to DNR, on the condition that this state complies with requirements under the act and regulations. I have done some research, but cannot be certain that the provisions in this amendment do not conflict in any way with the act and regulations.

This draft amends s. 285.63 (1) (d) to make it consistent with s. 285.63 (1) (a), as revised by the draft. After reviewing s. 285.63 (1) (c), I determined that it is not inconsistent with revised s. 285.63 (1) (a). The draft also amends s. 285.63 (7) (a) because that provision refers to s. 285.63 (1) (b), which no longer exists under the draft. Please note that this draft does not include some renumbering of provisions included in the proposed language because our statutory drafting style minimizes renumbering for a number of reasons.

Please contact me with any questions or concerns about this draft. If it works as drafted, please let me know and I will redraft it without changes and have it jacketed.

Rebecca C. Tradewell
Managing Attorney
Phone: (608) 266-7290
E-mail: becky.tradewell@legis.wisconsin.gov

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRBa2015/P1dn
RCT:kjf:rs

December 2, 2011

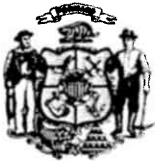
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E-mail: becky.tradewell@legis.wisconsin.gov



State of Wisconsin
2011 - 2012 LEGISLATURE

September 2011 Special Session



LRBa2015/P1
RCT:kjf:rs

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ASSEMBLY AMENDMENT ,
TO ASSEMBLY BILL 24

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22 (1) ~~(b)~~ (a) and (2) (a).”.

23 **3.** Page 28, line 12: delete that line and substitute “modeling when issuing a
24 permit under this chapter. The department may not require air dispersion modeling

4 (END)